



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

TJR  
Docket No: 7621-98  
1 May 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 19 April 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 22 February 1994. Your record reflects that on 14 July 1994 you received nonjudicial punishment (NJP) for failure to obey a lawful order and were awarded a \$462 forfeiture of pay and restriction and extra duty for seven days.

Your record reflects that you were administratively processed for separation by reason of pregnancy or childbirth which resulted in your unavailability for worldwide assignment or deployment. Subsequently, on 11 July 1996, you were honorably released from active duty and transferred to the Naval Reserve by reason of pregnancy or childbirth. You were assigned an RE-3B reenlistment code at this time.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your honorable service and your contention that you would like

your narrative reason for separation changed to read "hardship" so that you would be eligible to use the benefits of the Montgomery GI Bill. However, the Board concluded these factors were not sufficient to warrant a change in your narrative reason for separation given your unavailability for worldwide assignment or deployment due to parenthood or childbirth. The Board noted that your narrative reason for separation, pregnancy or childbirth, is not the same as hardship. Separation by reason of hardship was authorized by Article 3620260 of the Naval Military Personnel Manual (MILPERSMAN). MILPERSMAN Article 3620220 authorized separation by reason of pregnancy or childbirth. Further, the Board noted that since your separation was voluntary, in order for you to be eligible for the Montgomery GI Bill benefits, not only would you have to be separated by reason of hardship, but you would also have to serve 30 months of a 4-year active duty obligation. Given all the circumstances in your case, the Board concluded your narrative reason for separation was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director